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## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, Your glory endures through the seasons and Your divine majesty sustains us. Lead our lawmakers to a faithfulness that fulfills Your purposes. Lord, keep them steadfast in the faith that You are at work in our world, guiding their steps and preparing them for victory. Use our Senators to create laws that will extend Your kingdom in the hearts of the people of this land we love. Guide the deliberations, debates, and decisions of this day.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

### EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDENT pro tempore. Under the previous order, the Senate will pro-

ceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Robert Luis Santos, of Texas, to be Director of the Census for a term expiring December 31, 2026. (Reappointment)

Ms. ROSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. ROSEN). Without objection, it is so ordered.

### GOVERNMENT FUNDING

Mr. LEAHY. Madam President, we are now 4 weeks into the fiscal year. The Federal Government—the most powerful nation on Earth—is running on autopilot, and we only have 4 weeks until the government shuts down unless Congress takes action.

And it is not a theoretical exercise. The actions we take, or don't take, in this Chamber with respect to the fiscal year 2022 appropriations bills affect people's lives and also the direction of this Nation.

These bills provide for our national defense, help educate our Nation's children, provide medical care for our veterans, ensure that we have clean air and water, invest in science, and provide a social safety net for our Nation's most vulnerable populations.

Now, we can, and we should, do our job and finish these bills in the coming weeks, and we should be ready to go. I mean, 2 weeks ago, I made public nine Senate appropriations bills. When you combine this with the three bills the Senate Appropriations Committee marked up way back in August, all 12 bills have been released. The House has marked up all of their bills, and all but three of them have already passed the House.

But in order to finish our work, we need to have an agreed-upon top line that has been worked out in a bipartisan and bicameral basis—something that has been done so many times in the past. We can't finalize bills until we know how much we are able to spend. And I have been calling for these negotiations for months. But we need all the party to come to the table. It takes both Republicans and Democrats to strike a deal.

Now, Democrats have already made a fair offer. My Republican colleagues made clear to us that they believed the President's proposal for a 1.7-percent increase for defense programs was inadequate. I thought it struck the right balance, as did many of my colleagues.

But this institution is built on compromise. So in the Senate posted bill, I included a 5-percent increase for defense instead of the 1.7 percent the administration had proposed. The 5-percent increase is based on the funding level included in the National Defense Authorization Act, NDAA.

Now, the Senate Armed Services Committee voted on that. Do you know what the vote was?—25 to 1, in favor of that 5-percent increase. Every single Senate Republican on the Committee supported this level of funding. The House bill contains the same 5-percent increase, and it passed the House Chamber, 316 to 113.

In order to increase the defense number and stay within the top line established in the FY 2022 budget resolution, I reduced the amount for nondefense programs from President Biden's proposed 16-percent increase, which I would have preferred—but I reduced it to a 13-percent increase. That is how negotiations work. Each side has to give something.

Now, having offered the Republican-endorsed spending level for defense, have they taken yes for an answer?

No.

Have they taken time for a counteroffer?

• This “buller” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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No.

Instead, they seem intent on driving us toward a full-year continuing resolution.

If I had been here a long time and was a cynical person, which I am not, I would be worried that delay was a political calculation to tie the hands of the Biden administration and thwart his agenda—governing under a long-term continuing resolution is difficult, and they know it. But this Vermonter tries not to be cynical.

But I would remind, from a practical point of view, the stakes are too high to play politics with the practical budget. This is not something we should play politics with because the consequences for the American people are too great. The impacts of a full-year CR are too onerous for the country to bear. That is unquestionably true for those who claim to care about defense programs and national security. And you would think that fact all by itself would bring all parties to the negotiating table.

A full-year CR would not only reduce the defense spending by \$37 billion compared to the Senate bill I posted, it would actually cut defense spending below last year's levels. Since a CR freezes programs at last year's level, certain programs would be overfunded and others would be underfunded. The Department of Defense would be unable to shift enough money around within their transfer authority to correct the imbalances, resulting in billions of unspent dollars and even more unmet priorities. And you can only imagine the waste and confusion that would occur.

With money tied up in outdated priorities, the United States will struggle to meet the challenges and threats of today. While the U.S. is no longer in Afghanistan, a CR would revive the Overseas Contingency Operations, OCO, to the tune of \$69 billion at DOD. And that is the account, of course, meant to fund wartime activities. It would also provide—just think of this for a moment—\$3.3 billion to train and arm the now-defunct Afghan security forces. In other words, a continuing resolution would have \$3.3 billion to train and arm a no longer existing Afghan security force.

Now, while we are paying for a war we are not actually fighting, DOD may be forced to reduce the end-strength of our military just so they can pay our troops and civilian personnel the 2.7-percent pay raise they so rightly deserve, that is set to go into effect on January 1, 2022. In other words, the Pentagon may have to lay off soldiers to find the money for a pay raise under a continuing resolution, while money is tied up on a war we are not even fighting. That makes no sense. That makes no sense.

Just think of this: We lay off soldiers so we can pay for a pay raise, because we have our money tied up in a war that we are not fighting. I mean, Kafka couldn't think of something this crazy.

Now, most Members in this Chamber would agree that China is one of our biggest threats. Reflecting that reality, the President proposed over \$66 billion in military investments to counter the growing influence of China. None of the new capabilities included in the defense appropriations bill would be funded under a continuing resolution.

So we can say, boy, we are going to gear up with China; however, the Senate can't get around to vote on it.

Now, many Senators have come to the floor in recent weeks to ask that we provide an additional \$1 billion for Iron Dome. I wonder if they are aware that if we have a CR, Iron Dome doesn't get a billion dollars; it gets \$73 million.

Given these facts—and these are only a few of many examples—I am mystified why there doesn't seem to be any urgency on the other side to solve these problems. Republican Members have been quick to criticize Democratic leadership for not bringing the NDAA to the Senate floor for consideration more quickly, but that is an authorizing bill. And when it comes to actually funding the Defense—not just authorizing, but actually putting the money there—they won't even come to the table. Yet, on the very same day, I was told that the Republican leadership wants to have a full-year continuing resolution that would cut defense funding.

They are out here saying, Why aren't you passing an increase in the Defense spending—but, oh, by the way, we want a bill that would cut the Defense funding?

So I would ask them, which is it? Is one aim for the TV soundbites? But if rhetoric doesn't match the reality, start being honest with the American people.

If we fail to get a deal on full-year appropriations bills, our veterans also lose out. Due to increased demands for community care, under a continuing resolution, the VA will not have sufficient funds to cover medical care for veterans. These are men and women who served our country. Think of all the praise we have had, all the greetings as the great men and women come back from wars, many suffering all kinds of injuries. "We will never forget our veterans." Oh, yes, we will because we won't stand up and pass the money they need. Veterans deserve better than this.

Our domestic priorities will also suffer under a continuing resolution. The fiscal year 2022 Senate bills include historic increases to care for and educate our Nation's children, combat climate change, build and renovate affordable housing, improve our infrastructure, and continue to combat the pandemic, which is still with us. None of these increases—none of them—will occur under a full-year CR. We will be forced to operate at last year's levels in a country that now has been transformed by a global pandemic. How irresponsible is that?

For example, in our bill, we provide critical funding increases for mental health and substance abuse. These funds are desperately needed in every State in this country as rates of anxiety and depression have soared during the COVID-19 pandemic. Drug overdose deaths are expected to reach their highest levels to date. But in a continuing resolution, we say: Tough. You are on your own. We don't have the money.

Under a continuing resolution, funding at the National Institutes of Health will stagnate, leaving us behind in critical advancements in medical research at a time I think we need it more than anytime in my life.

The fiscal year 2022 Senate bills include critical investments to combat climate change. That would disappear under a CR. A CR says we will have complacency, not bold action.

The next few days and weeks are critical. I hope the American people realize what is at stake. I ask our colleagues on the other side of the aisle to join us in negotiating a path forward.

It is not an exaggeration to say that the choice we face with these appropriations bills goes to the very heart of why we are here. We can either come together the way we used to, the way democracy is supposed to, and make our government work for the American people or we can become the branch of government where, instead of governing, the minority party defines its role as preventing the Congress from doing its job so it can then falsely blame the majority party.

There have been around 2,000 Senators who have had the privilege of serving this country since it began. I served with over 400 of them—more than 20 percent of all the Senators in the Nation's history. I remember Republicans and Democrats could work together, not for their party's interest but for the country's interest.

There are only 100 of us. We should be the conscience of the Nation. We should be working together to protect the Nation. But I fear that we have political gamesmanship, and it is not just about these bills but the relevance of Congress itself today and for the future, whichever party is in the minority. If that becomes the norm, it is going to be impossible to turn the clock back.

We need a top-line deal. Republicans need to come to the table and make a comprehensive offer. Those of us on this side of the aisle are ready to work on behalf of the American people. I ask our Republican colleagues to join us in working for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I rise to join Chairman LEAHY in calling on our Republican colleagues to negotiate a final agreement on fiscal year 2022 appropriations bills. Just as we need to complete work on the National Defense Authorization Act—a position I have

been urging repeatedly on our leadership—we need to complete work on the appropriations bills. They are complementary, to say the least, and they have to be done.

Under Chairman LEAHY's leadership, Democrats have put forth a responsible top-line number and subcommittee allocations that address our defense and nondefense funding needs alike. The defense funding levels in the appropriations bills are consistent with the bipartisan National Defense Authorization Act bill that we passed in the Armed Services Committee in July.

I would like to point out that the defense spending level in the Senate NDAA bill, which is pending floor action, was set by an amendment offered by my colleague, the ranking member, Jim Inhofe of Oklahoma, and supported by every Republican on the Armed Services Committee. I was pleased to work with Senator INHOFE and to co-sponsor the amendment, which provides an additional \$25 billion in funding for specific items, most of which are unfunded requirements submitted by the services and the combatant commands.

But Republicans put all this good work and all this good will we built up and established in the NDAA process in jeopardy if they force us into a year-long continuing resolution by refusing to negotiate on the 12 appropriations bills.

A yearlong CR would be shortsighted and damaging to our national defense.

First, defense spending will be about \$36 billion lower than the levels set out in the Senate's NDAA and appropriations bills.

I must also point out that, following our lead, the House Armed Services Committee passed a bill with the same top line—an additional \$25 billion. That was brought to the floor of the House. It passed. In fact, an amendment to reduce the funding was defeated.

So there is a strong bipartisan commitment to vigorously fund the Department of Defense, and if we do not do that, if we fall into the trap of a CR, as I have indicated, we will be taking money away from the Department of Defense.

Second, we will be tied, as Senator LEAHY pointed out, to funding priorities from a year ago even though circumstances have changed remarkably. As he pointed out, we have funding in last year's legislation that would provide support to Afghan forces who have been dissipated by the events of August. We would have a situation where there were significant amounts of money intended to assist Afghan security concerns that could not be effectively used and would detract from the current needs that we have.

Third, a CR would prevent DOD from effectively modernizing and reinventing and reinvesting in its programs. Since new starts—new programs—aren't allowed under a CR, DOD could be forced into funding legacy systems that are outdated and in-

efficient, and that is simply congressionally mandated waste. Meanwhile, important new initiatives and acquisitions could be delayed. For example, we may not have the ability to fund the three additional ships and the seven more Joint Strike Fighters in the Navy's 2022 budget. As we shift our focus to the Pacific, as we deal with potential contingencies involving Taiwan and other areas, it becomes a shift in the Navy. They need these platforms. They need them as soon as we can get them, and they won't be able to get them if we are stuck with a CR.

CRs are also terribly disruptive just to the normal operation of the Department of Defense and also to their partners in the private sector and academia, since CRs inject uncertainty, instability, and cost to the R&D and acquisition processes.

The impact is not just felt on the defense side of the ledger, as Chairman LEAHY pointed out. Nondefense priorities have been neglected for over a decade. This year, we finally have a chance to make up for lost time.

For example, we have a chance to double the Federal commitment to public education under the title I program and make important investments in adult education and job training.

At a time when the American people are clamoring for more mental health service, particularly for children, we have funding to help train more pediatric mental health specialists.

We also have funding to help establish a national suicide prevention lifeline and a three-digit phone number that Congress approved last year. We are in the midst, sadly, of an epidemic of suicides throughout this country, and they particularly affect, as we pointed out, veterans who have served their country with great valor and sacrifice and yet are plagued by mental health problems.

As the chairman of the Legislative Branch Subcommittee, I will note that we have funding to help the Capitol Police, who have been stretched to their limits in the aftermath of the January 6 assault on this Capitol. In the Senate bill, we have funding for new officers, overtime and retention payments, as well as resources for officer wellness and mental health support. After what they have done for us, literally saving us, we owe it to the men and women of the Capitol Police to provide this assistance. It cannot be done under a continuing resolution.

Chairman LEAHY has bent over backwards to engage our Republican colleagues, and we have to engage. We have to move forward. He is willing to do that, but we have not seen a comparable response from the other side. It is time to get down to business, the business of the American people. It is time to provide our military with the resources and the priorities for today, not for last year. It is time to recognize the emerging problems in this country of this moment, not of the past.

We need our colleagues on the Republican side to come to the table, not with preconditions and redlines but a willingness to negotiate on behalf of all the American people. Otherwise, we will risk a continuing resolution that will harm everyone, all the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the distinguished chair of the Senate Armed Services Committee for his comments.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

#### BUILD BACK BETTER AGENDA

Mr. SCHUMER. Madam President, Democrats are closer than we have ever been to finalizing and passing legislation to achieve President Biden's Build Back Better agenda. We have made great progress since the President announced his framework last week, including by coming to an agreement that will, for the first time ever, empower Medicare to directly negotiate prices in Part B and Part D and lower prices for millions of seniors and American families.

We will also cap out-of-pocket expenses at \$2,000 a year, and our agreement will make it so Americans with diabetes don't pay more than \$35 per month on insulin. One of the great confounding mysteries over the last several years is, how did insulin—a drug that has been on the market for years and years and years; there is no patent—end up costing \$600 a dose for people who can barely afford it? Diabetes affects so many people, and yet they have to pay all of this money.

So, as the House prepares to move forward, the Senate continues to achieve progress in our goal of passing Build Back Better before Thanksgiving. That is our goal. We are moving forward because the challenges American families and workers are facing are enormous, and President Biden's agenda has many things that will lower costs and help families pay the bills—lower costs and help families pay the bills.

Take childcare, for instance. Families sometimes pay more than \$10,000 a year for a child just to take care of him—a truly backbreaking expense. Secretary Yellen warned that the slack